

REMARKS

This Response to Office Action is submitted in reply to the Office Action of January 25, 2007. No Claims have been amended. Claims 5 and 13 stand cancelled without prejudice or disclaimer.

A Supplemental Information Disclosure Statement is submitted herewith. Please charge deposit account number 02-1818 for the costs of the Supplemental Information Disclosure Statement and if any other fees are due in connection with this Response.

The Office Action rejected Claims 1 to 4, 6 to 7, 9 to 12, 14, 21 to 22, and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,102,798 to Bennett. Applicant respectfully disagrees with and traverses these rejections for at least the reasons discussed below.

Bennett discloses a gaming machine having a player selection game. The gaming machine displays a game image having a plurality of player selectable zones. (Column 2, lines 54 to 67). The gaming machine randomly associates a prize with at least one of the zones. (Column 1, lines 53 to 65). The gaming machine enables the player to touch a screen and select one of the player selectable zones within a limited time period (i.e., within 3 seconds). If the player has not made a selection in the predetermined time, the gaming machine randomly selects and reveals a zone. When the gaming machine selects a zone, the zone changes to indicate that the zone has been selected and is no longer selectable. If the gaming machine selects a zone with an associated prize, the prize is also revealed. After selecting a zone and revealing any prize associated with the gaming machine selected zone, the gaming machine again enables the player to pick a zone. If the player does not pick a zone, the gaming machine continues selecting and revealing unselected zones (as described above) at a predetermined rate (i.e., every 2 seconds). If the player selects a zone, the gaming machine awards the player any prize associated with the player selected zone. After selecting a zone (and being awarded any prize associated with the player selected zone), the game ends. (Figs. 6 and 7). If the player does not make a selection before the gaming machine selects and reveals all of the zones associated with prizes, the game ends.

Independent Claim 1 is directed to a gaming device including a display device, an input device, and a processor in communication with the display device and the input device. The processor is programmed to cause a plurality of masked selections to be displayed to a player by the display device, associate a plurality of different values with the masked selections prior to the masked selections being picked by the player and without displaying which values are associated with which selections, and enable the player to pick a plurality of the masked selections for a designated number of sets, the designated number being at least two. The processor is also programmed to form the designated number of sets of a plurality of the values, each set determined by the player picking a plurality of the selections for the set, wherein the plurality of values in each set are based on the values associated with the selections picked by the player for the set. The processor is further programmed to cause a display of each of the sets and the values in each set, generate at least one award by selecting at least one but not all of the plurality of values in each one of the sets, and provide the award to the player.

Bennett does not appear to expressly or inherently disclose a gaming device that enables a player to pick a plurality of masked selections for a designated number of sets. The Office Action stated that a player forms a number of sets "by the player picking a plurality" of selections and cited Bennett's entire detailed description and Bennett's Figs. 2 to 5 for support. (Office Action, page 4, lines 5 to 9). Contrary to the Office Action, Applicant is unable to locate a single instance in Bennett that discloses enabling the player to pick more than a single selection in a play of the game. Rather, Bennett repeatedly states that the game enables a player to select a single zone in a play of the game. In one example, Bennett discloses:

[t]he random selection being continued by the control means until either, the player selects a zone, or all of the zones with associated prizes have been selected by the control means. (Column 1, lines 62 to 63).

In a second example, Bennett discloses:

[i]n the event that the zone selected by the player, or allocated to him has a prize associated with it, that prize (or its value) will be credited to the player. (Column 3, lines 48 to 50).

In a third example, Bennett discloses:

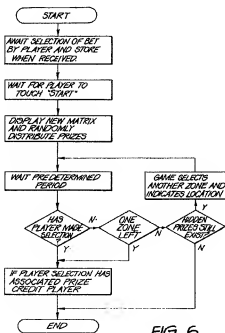
[I]n the event that the player selects a zone associated with a prize, the prize is awarded to the player. (Column 3, lines 58 to 60).

In a forth example, Bennett discloses:

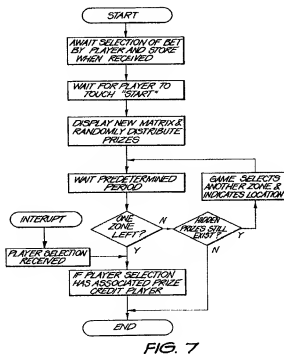
[I]f there is only one zone left unselected, the game checks to see if the player has won a prize and if so credits the player with the prize and the game ends. (Column 4, lines 14 to 17).

Bennett's program sequences in Figs. 6 and 7 (illustrated below) provide further clear examples of enabling the player to make only a single selection. In both Figs. 6 and 7, the program sequence loops and the game continues if the player has not made a selection and unselected zones remain. Once the player makes a selection, the next step in the program sequence is for the game to end.

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These program sequence do not include any loops that enable the game to continue after the player makes a single selection. [Moreover, modifying Bennett to enable a

player to select a plurality of zones would defeat the purpose of Bennett and contradict the program flow in Figures 6 and 7.]

On the other hand, the gaming device of independent Claim 1 includes a processor programmed to enable the player to pick a plurality of the masked selections for a designated number of sets. For at least these reasons, it is respectfully submitted that independent Claim 1 is patentably distinguished over Bennett and in condition for allowance.

Additionally, based on the Office Action's admission, the Office Action improperly relies on Bennett to anticipate Claim 1. Independent Claim 1 includes the feature of a processor generating at least one award by selecting at least one but not all of the plurality of values in each one of the sets. The Office Action reasons that Bennett anticipates independent Claim 1 partly because Bennett discloses generating "a plurality of awards by selecting a plurality of but not all of the values in each one of said sets." (Office Action, Page 4, lines 12 to 13). In contrast to the Office Action's anticipation reasoning, the Office Action's 35 U.S.C. § 103 rejection of Claims 8, 15 to 20, 23, and 24 stated that "Bennett lacks in explicitly teaching selecting 'at least one but not all of' the awards from the plurality of different sets in order to generate a resulting award. (Office Action, Page 5, lines 15 to 17). To properly anticipate independent Claim 1, the Office Action must show that Bennett expressly or inherently describes each and every element. Under the Office Action's own admission, Bennett does not disclose at least the feature of a processor generating at least one award by selecting at least one but not all of the plurality of values in each one of the sets found in independent Claim 1. Thus, the Office Action improperly rejected independent Claim 1 because Bennett does not disclose each and every limitation. For at least this reason, it is respectfully submitted that independent Claim 1 is patentably distinguished over Bennett and in condition for allowance.

Bennett also does not disclose a processor that generates at least one award by selecting at least one but not all of the plurality of values in each one of the sets. The Office Action reasons that Bennett's game can "generate a plurality of awards by selecting a plurality of but not all of the values in each one of said sets" by selecting only

zones having associated prizes and not selecting "no prize" zones. (Office Action, Page 4, lines 12 to 15). According to the Office Action's interpretation of Bennett, Bennett's game only selects revealed zones associated with positive prize values and does not select revealed zones associated with a zero value prize. On the other hand, in independent Claim 1, a processor generates at least one award by selecting at least one but not all of the plurality of values in each one of the sets. In other words, the gaming machine of independent Claim 1 does not discriminate between positive, zero, or negative values and any of the values in the sets can be selected. Thus, Bennett does not disclose that a processor generates at least one award by selecting at least one but not all of the plurality of values in each one of the sets. For at least this reason, it is respectfully submitted that independent Claim 1 is patentably distinguished over Bennett and in condition for allowance.

Claims 2 to 4 depend directly from Claim 1 and are also allowable for the reasons given with respect to independent Claim 1, and because of the additional features recited in these claims.

Similar to independent Claim 1, independent Claims 6, 9, 14, 21, and 25 are each directed to a gaming device which includes, amongst other elements, a processor programmed to enable the player to pick a plurality of the masked selections for a designated number of sets, and generate at least one award by selecting at least one but not all of the plurality of values in the sets. As described above, Bennett does not disclose a gaming device including a processor programmed to enable the player to pick a plurality of the masked selections for a designated number of sets. As also described above, Bennett does not disclose a gaming device including a processor programmed to generate at least one award by selecting at least one but not all of the plurality of values in the sets. For these reasons and the additional reasons given with respect to independent Claim 1, Applicant respectfully submits that independent Claims 6, 9, 14, 21, and 25 are patentably distinguished over Bennett and in condition for allowance.

Claims 7, 10 to 12, and 22 depend directly from independent Claims 6, 9, and 21 respectively and are allowable for the reasons given with respect to these independent claims and because of the additional features recited in these claims.

The Office Action rejected Claims 8, 15 to 20, and 23 to 24 under 35 U.S.C. § 103(a) as being unpatentable over Bennett in view of U.S. Patent No. 6,345,824 to Selitzky. Applicant respectfully disagrees.

The Office Action states that Selitzky discloses "a game with a bonus feature wherein if the player's hand includes more than one bonus combination, only the highest ranking bonus combination is rewarded (see at least 7:1-13)." (Office Action, Page 5, lines 17 to 19). The Office Action concluded that it would have been obvious to one of ordinary skill in the art to incorporate "only awarding the highest ranking bonus combination" as disclosed in Selitzky into the gaming machine of Bennett to provide more award bearing selections in Bennett to be displayed on the screen without the provision of large awards paid by the gaming establishment.

Applicant submits that regardless of whether or not it would have been obvious to incorporate Selitzky with Bennett, neither Bennett or Selitzky individually, nor the gaming machine resulting from the combination of Bennett and Selitzky teach, disclose or suggest a processor programmed to enable the player to pick a plurality of the masked selections for a designated number of sets, and generate at least one award by selecting at least one but not all of the plurality of values in the sets. On the other hand, the gaming system of independent Claims 8, 15, 16, 18, and 23 each include, amongst other elements, a processor programmed to enable the player to pick a plurality of the masked selections for a designated number of sets, and generate at least one award by selecting at least one but not all of the plurality of values in the sets.

Claims 17, 19 to 20, and 24 depend directly or indirectly from independent Claims 16, 18, and 23 respectively and are allowable for the reasons given with respect to these independent claims and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously

solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY Adam H. Masia

Adam H. Masia

Reg. No. 35,602

Customer No. 29,159

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